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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,386	09/26/2003	Takeharu Arakawa	031144	2736
23850	7590	04/30/2007		
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006				
			EXAMINER BROADHEAD, BRIAN J	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,386	<b>Applicant(s)</b> ARAKAWA, TAKEHARU	
	<b>Examiner</b> Brian J. Broadhead	<b>Art Unit</b> 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 23, 24, and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 9, and 11- 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirono, 6246958, in view of Carlsson, 2002/0029224, in view of Kondou et al., 6073075, in further view of Asami, 2003/0124974.
5. As per claims 1- 9 and 17-29, and 32-37, Hirono discloses an information acquiring section for acquiring information on lines 31-33, on column 4; an information processing section for associating the information acquired by the information acquiring section with acquisition condition information concerning the conditions for making the information acquiring section execute an information acquiring operation to acquire

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information on lines 34-41, on column 4; an acquisition possibility determining section for determining, based on the acquisition condition information, whether or not the acquiring operation can be executed; and a control section for controlling the information acquiring section, when it is determined by the acquisition possibility determining section that the acquiring operation can be executed, to execute the acquiring operation on lines 49-67, on column 6; an input section for setting and inputting an acquisition demand information for demanding execution of the acquiring operation in response to an input operation, wherein said control section provides controls for inhibiting the execution of the acquiring operation, when it is determined by the control section that the acquiring operation cannot be executed by the acquisition possibility determining section, even if the control section recognizes an input for setting the acquisition demand information in the input section on lines 27-29, on column 5; an acquisition possibility determining section for determining whether or not the information demanded from the acquisition demand information and the information acquired by the information acquiring section are identical to each other, and for determining, when the two pieces of information are not identical to each other, that the acquiring operation can be executed on lines 49-67, on column 6; said acquisition condition information relates to the conditions for executing the acquiring operation at a timing when the information not identical to the information previously acquired can be acquired on lines 40-46, on column 2; an input section for setting and inputting an acquisition demand information to demand an acquiring operation to make the information acquisition section acquire information with a specified content in response to an input operation,

wherein the acquisition condition information is the content information concerning a content of said information; and the acquisition possibility determining section determines that the acquiring operation can be executed when it is determined by comparing contents of the acquisition demand information set and inputted in the input section to those of said acquisition condition information that the two pieces of information are not identical to each other on lines 20-29, on column 2.

6. Hirono does not disclose the conditions for acquiring the information being set in accordance with the type of information. Carlsson teaches the conditions for acquiring the information being set in accordance with the type of information in paragraphs 32, 36, and 39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Carlsson in the invention of Hirono because such modification would provide information transfer in a bandwidth efficient manner.

7. Hirono and Carlsson disclose the limitations as set forth above. They do not disclose said acquisition possibility determining section determines that an acquiring operation can be executed when it recognizes, by comparing the time information concerning the current point of time to said acquisition condition information, that the current point of time has reached the time indicated by the acquisition condition information; a time acquiring section; and different types of updateable information. Kondou et al. teaches said acquisition possibility determining section determines that an acquiring operation can be executed when it recognizes, by comparing the time information concerning the current point of time to said acquisition condition information, that the current point of time has reached the time indicated by the acquisition condition

information on lines 45-54, on column 8; a time acquiring section is inherent since the invention compares a current time; and different types of updateable information on lines 30-43, on column 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Kondou et al. in the invention of Hirono and Carlsson because such modification would provide a user of a mobile terminal proper information on a real time basis as stated on lines 59-62, on column 1, of Kondou et al.

8. Hirono, Carlsson and Kondou et al. do not disclose a plurality of types of information with different update frequencies assigned as time conditions for the acquiring section to execute the information acquiring operation. Asami teaches of a plurality of categories of map information that needs to be updated in paragraph 61. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the multiple categories of Asami in the invention of Hirono, Carlsson, and Kondou et al. because such modification would provide for a more effective use of limited broadcasting and communications channels as described by Asami in paragraph 9. Kondou et al. already discloses two categories of information, one that is updated rarely when the mobile terminal is connected to the database (before a user starts traveling) and a second category that is updated through wireless communication when a certain time expires. Kondou et al. discloses the second information as service information such as traffic jams that can change quickly. Asami teaches of using more than just a single "second information" because even within the information that gets stale there are categories that get stale faster or slower than other categories and

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bandwidth can be saved by recognizing this. Basically, Asami provides the motivation for the mere duplication of the "second information" of Kondou et al. so there are many groups of service information with their own expiration date. This mere duplication is within routine skill of one of ordinary skill in the art.

9. As per claims 11, 12, and 13, Hirono discloses acquiring information through communications (46).

10. As per claims 14, 15, 16, 30, and 31, Hirono discloses a guidance reporting section for reporting a guidance in response to the moving state of a movable body, wherein said information is information concerning movement of the movable body on lines 34-38, on column 4.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-9, 11-37 have been considered but are moot in view of the new ground(s) of rejection. The teachings of Asami render the additional categories with their own time constraints obvious as discussed in the prior art rejection above.

### ***Conclusion***

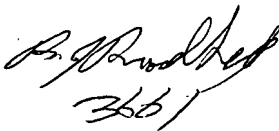
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJB

A handwritten signature in cursive script, appearing to be "B. J. B.", with the number "3661" written below it.